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LEGISLATIVE NOTES AND REVIEWS¹

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State Officers, Boards and Commissions Created and Abolished in 1913. The multiplication of administrative agencies of state government,—offices, boards and commissions, showed no signs of abating in 1913. The legislatures of thirty-five states contributed a total of two hundred and thirty-six such agencies created during that single year. In the same year seventy-nine were abolished and twelve were thoroughly reorganized.

In seeking to estimate the volume of this legislation, the determination of what to include is perplexing. There are found all gradations from instances of new functions entrusted to new independent agencies, through those less clearly innovations to those merely providing an additional inspector to extend the activities of an established department. Whenever a new office with a distinctive title and duties appears it is included in this review, though it be but a subordinate bureau or though the work may have been formerly carried on by some existing authority. Likewise, when an existing authority is given *ex officio* a second title and office it is enumerated. But when an existing authority is charged with new duties without a new title conferred or office created even though the work be new and distinct it is not counted.

Of the whole number enumerated, sixteen are subordinate bureaus of existing departments. In thirty-five cases some existing officer or board is made *ex officio* head of the new department; and in twenty-six others there is a combination of *ex officio* and appointed officials. It is a notable fact that not one of the new authorities, save certain in the *ex officio* class, is chosen by popular election.

The new creations are found in about equal measure in the far-western and the mid-western states. The northeastern follow with half, and the south with a third as many as either of the first two regions. The greatest number in individual states is to be found in Montana with eighteen, Oregon with seventeen and Kansas with fourteen. The num-

¹The aim of this Department of the REVIEW will hereafter be to furnish notes of legislation of special significance to political scientists, and annual reviews of legislation of a distinctively political science character. Such subjects as constitutional amendments, nomination and election of public officers, legislative processes including direct legislation, executive and administrative changes, judicial reform, and the relation of state to local government and to the federal government, will be emphasized.

ber abolished makes the net increase in these states respectively seventeen, six and four; while ten creations each in Colorado and North Dakota and no discontinuances place those states in the lead of all except Montana. Five states having legislative sessions in 1913 created no new offices (Arizona, New Hampshire, New Mexico, South Carolina, Wyoming); New Jersey and Rhode Island but one each, although New Jersey cancelled her increase by one office abolished. Likewise did Washington and Idaho match their respective increases by corresponding eliminations. Two states show an actual decrease: Ohio creating nine and abolishing sixteen and Michigan creating two and abolishing three.

The range of authorities created is as broad as the field of state activity. No important branch save those of militia and state police are unrepresented. Of the chief groups of functions, the economic stands easily first in volume, followed in order by the protective (including labor), charities and corrections, education, finance and maintenance of the state. The marked preponderance of new authorities to satisfy economic needs and for the protection of labor and the public health as contrasted with the absence of new agencies for the preservation of the peace reflect the newer conception of the purpose of the state.

Another striking fact presented by a study of this legislation is the number of offices abolished. This movement, which is most marked in Ohio, Oregon and Kansas is due to a decided tendency to centralization rather than to a narrowing of the field of state activity. The centralizing movement hitherto so marked in charities and corrections is continued in the creation of the board of control in Oregon displacing no less than nine authorities and the board of corrections in Kansas superseding four. The same movement more recently seen in labor administration is represented by the industrial commission of Ohio taking the place of seven boards and the Kansas department of labor and industry consolidating four authorities. Now, the tendency appears in agriculture in the Ohio agricultural commission, the South Dakota live stock sanitary board and the Washington department of agriculture. The Kansas administrative board for educational institutions displaced four educational boards. Though accompanied by few consolidations the extension of the policy of centralization to tax administration is perceptible.

Among the more unusual combinations to be found are that in West Virginia the tax commissioner is ex officio commissioner of prohibition; the censorship of moving pictures is, in Connecticut, exercised by the state police; whereas in Ohio the same work is performed by the indus-

trial commission and in Idaho the public utility commission serves as tax commission. In Nebraska, the governor is made *ex officio* hotel inspector and also state veterinarian with a deputy in each case in actual charge of the department. This curious arrangement which has become an established practice in that state holds great possibilities in the direction of building up a highly centralized administration though it seems probable that economy was the real moving cause.

Even in the states where the most extensive consolidations have taken place there is little evidence of a broad appreciation of present chaotic condition of state administration or of a desire for any general reform in this direction. During this session, Ohio created nine separate authorities including a board for an institution for the needy blind, another for a soldiers and sailors home and an immigration commission and Kansas established four examining and licensing boards. Every one of these functions might well have been conferred on an existing authority.

An analysis of the whole mass of new legislation reveals the following facts:

In the economic group of activities, the new authorities relating to agriculture and kindred topics, include departments of agriculture created in three states (Montana, Ohio, Washington); and departments, bureaus or commissions of farm development (Washington), information (South Dakota), viticulture (California), horticulture (Colorado), dairying (Colorado, Montana), entomology (Montana, Oklahoma, Rhode Island, West Virginia), live stock sanitation (Nebraska, Oregon, South Dakota), sheep commissioner (Vermont), quarantine (Nevada), examination of veterinarians (Idaho, Montana), stock registry (Kansas), state fair (Kansas, Oregon), pure seeds (Oregon), grain inspection (Montana) and chemical laboratory (Tennessee). Of the sixteen authorities abolished from this field, fourteen were chiefly the result of the centralizing movements in Ohio, Washington and South Dakota. Though but one department of conservation was formed (Nebraska) not less than twenty-one other new agencies represent different aspects of the movement. Their range includes fish and game protection (Connecticut, Delaware, Florida, Illinois, South Dakota, Washington), water conservancy (California, Connecticut, Kansas, Nevada, Texas), geology and mineralogy (California, Oregon), state parks (Connecticut, Maine, Washington), public works (Ohio), public lands (Delaware), forestry (North Dakota), reclamation (Missouri). The eight agencies discontinued in this group all represent consolidations.

Banking and insurance show no offices abolished. Four states created banking departments (Arkansas, Tennessee, Vermont, West Virginia); seven established an office for the administration of the "blue sky law" (California, Michigan, Montana, Nevada, Ohio, Oregon, South Dakota) and one of these (Oregon) imposed on the same authority control over corporations in general.² One state reorganized its building and loan department (Ohio) and one created a supervisor of small loans (New York). Four states created insurance departments (Colorado, Iowa, Nebraska, Tennessee), and one effected a reorganization (Texas). One offered state insurance against hail on growing grain through a hail insurance commissioner (North Dakota).

Eleven states were added to the list of those having public utility commissions (Colorado, Idaho, Illinois, Indiana, Massachusetts, Maine, Missouri, Montana, Ohio (reorganized), Pennsylvania, West Virginia). In Missouri the remaining functions of its defunct railroad and warehouse commission were conferred on a warehouse commission. Ohio created a new canal commission. Five railroad and one canal commissions were discontinued to give place to these.

Eleven state highway departments were established (Arkansas, Colorado, Idaho, Illinois, Iowa, Missouri, Montana, North Dakota, Oregon, South Dakota, West Virginia) and one was reorganized (Ohio). Boards of accountancy were provided in nine instances (Delaware, Maine, Michigan, Nevada, North Carolina, North Dakota, Oregon, Tennessee, Wisconsin). An authority was created to supervise weights and measures in four cases (Connecticut, Montana, Oregon, Tennessee). Three departments of oil inspection are found (Missouri, North Dakota, South Dakota). In Washington such a department was merged in the department of agriculture. North Dakota established coal inspection, Montana, inspection of steam vessels, Florida, pilot commissioners, and Ohio, an immigration commission. Michigan abolished the office of salt inspector.

In the group of protective functions including labor, health, morals and fires, labor holds first place. Six states created a department of labor (Arkansas, Kansas, Minnesota, Montana, Ohio, Pennsylvania); minimum wage boards (or industrial welfare commissions) appear in five states (California, Colorado, Minnesota, Oregon, Washington), and industrial accident boards in seven (California, Connecticut, Iowa, Illinois, Nevada, Ohio, Oregon). One state created a department of

² Failed of popular ratification.

factory inspection (Tennessee); one an inspector of woman's working conditions (Delaware) and two, agencies for enforcing child labor laws (Delaware, Florida). One board of mediation is established (Nebraska); one commissioner of immigration and housing (California); two mine inspection departments (Colorado, Illinois) and one miners examining board (Illinois). The ten agencies abolished in the labor field included six merged in the new Ohio department and three in that of Kansas.

Public health authorities include new departments in two states (Arkansas, South Dakota), and reorganizations in two more (Iowa, West Virginia). A bureau of vital statistics appeared in Tennessee. Five states provided hotel inspection (Florida, Kansas, Nebraska (reorganized), South Dakota (reorganized), West Virginia). Food and drug departments were organized in two states (Nebraska, Vermont) and reorganized in one (South Dakota). Cannery inspection in Delaware and housing in Pennsylvania are new activities as is a tuberculosis sanitarium board in Kansas. Of supervising authorities for the professions and employments usually regulated in the interests of the public health, there were not less than eighteen examples including regulation of nurses (Arkansas, Florida, Kansas, Montana); optometrists (California, Nevada, South Dakota), barbers (Kansas, Michigan, Wisconsin); pharmacists (Nevada, Oregon reorganized); chiropractors (Kansas); medicine (California); embalmers (Colorado); midwives (Connecticut); osteopaths (Kansas) and dentists (Oklahoma). The protection of public morals is the purpose of a racing commission in California; athletic commissions in Montana and Wisconsin, censors of moving pictures in Ohio and a commissioner of prohibition in West Virginia. Finally, in this group a fire marshal's department was established in three states (Indiana, Kansas, North Dakota).

The care of the dependent, defective and delinquent gave rise to the creation of five boards of charities and corrections (Arkansas, Kansas, Maine, Nebraska, Oregon), that in Maine alone being of the supervisory type. Authorities for the control of a great variety of institutions were created as follows: Industrial home for women (Pennsylvania), school of industry (Nevada), schools for feeble minded (Connecticut, Pennsylvania), hospital for nervous diseases (Nevada), insane asylum (Montana), institution for the blind (New York, Ohio), soldiers' home (Ohio), Penal Farm (Indiana), and an institution for inebriates (Pennsylvania). A group of authorities concerned especially with children includes: a bureau of juvenile research (Ohio), juvenile court commissioners (Vermont), and bureaus for the protection of children,

defectives and animals (Texas, Washington). Pardon or parole boards were created in four states (Massachusetts, Missouri, Montana, Tennessee). Seventeen of the eighteen discontinued authorities have their functions absorbed in the centralized boards of Arkansas, Kansas, Oregon and Nebraska.

The legislation on educational administration includes the creation of a board of education in two states (Idaho, North Dakota) and a reorganization in a third (California). Kansas created a central board for her higher institutions of learning and Delaware established the office of commissioner of education. Text-book commissions were provided for in two states (Kansas, Montana); New York created a board of control for a nautical school and a free library commission was formed in South Dakota. Here again the elimination of offices comes from centralizing legislation, chiefly in Idaho, Kansas and North Dakota. Historical interests were to be served by the creation of a department of public records and archives in Indiana and New Jersey, an historical commission in Pennsylvania, and a monument commission, a battle field commission and a board of geographic names in New York.

Six permanent tax commissions were set up (Florida, Idaho, Montana, Nevada, North Carolina, South Dakota). Tennessee acquired a state auditor to act also as examiner of accounts; New York a board of efficiency and economy and a board of estimates, and North Dakota and Oregon provided for emergency boards of finance; Delaware established a board of supply while Oregon merged a similar institution in its board of control. South Dakota abolished its board of equalization as did Nevada the office of license and bullion tax agent. Three states established examiners of public accounts but New Jersey transferred the work to the comptroller while Utah abolished the office entirely.

Under the general function of maintenance of the state may be grouped civil service commissions in two states (California, Connecticut), and reorganized in another (Ohio). In the same category may be placed bureaus of legislative reference of two states (Illinois, Indiana reorganized) and a miscellaneous list including a commission for uniformity of legislation (Colorado), printing department (Oregon, South Dakota), bonding department (North Dakota), and a board of examiners of voting machines (Oregon).

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